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C4  
*in response to a subscriber request for a transport encoded program, including said requested transport encoded program within a respective time slot of said transport stream being formed.*

- Sub D10*
22. (newly added) The method of claim 21, further comprising:  
*identifying, for said requesting subscriber, the time slot including said requested transport encoded program.*
  23. (newly added) The method of claim 1, further comprising:  
*adjusting a bitrate of a transport encoded program stream by performing at least one of adding NULL packets to the transport encoded program and deleting program packets from the transport encoded program.*
  24. (newly added) The method of claim 23, wherein a number of NULL packets to insert is determined according to at least one of an insertion rate, a slot repetition period and a packet count.
  25. (newly added) The method of claim 23, wherein a number of program packets to delete is determined according to at least one of an deletion rate, a slot repetition period and a packet count.—.

#### REMARKS

By this Preliminary Amendment, Applicants have amended the specification to change reference designations to conform to the reference designations in the drawings. In particular, reference designation "514" on page 11, line 9 of the specification has been changed to --512-- to conform to the reference designation in FIG. 5. Such reference designation change does not add any new subject matter to the application.

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Claims 1-11 are pending in the application. By this Amendment, claim 11 has been cancelled, claims 1 and 7 have been amended, claims 2-6 and 8-10 continue unamended and new claims 12-25 have been added.

The Examiner is respectfully requested to enter the above amendments to the specification and the claims. The amendments are made to provide the full scope of protection to which Applicants believe themselves to be entitled.

#### CONCLUSION

The Applicants submit that none of the claims, presently in the application, is anticipated or obvious under the provisions of 35 U.S.C. §102-103. The pending claims are not taught or suggested, either alone or in combination, by the cited references. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, the Applicants earnestly solicit swift passage to issue.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Eamon J. Wall, Esq. at (732) 530-9404 so appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

2/5/02

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